

ROUTING AND RECORD SHEET

SUBJECT: (Optional) Comments on the Observations of the Office of the Inspector General Regarding the Publication Review Process			
FROM: Harry E. Fitzwater Deputy Director for Administration 7D 24 Hqs		EXTENSION <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>	NO. DDA 82-0038 <hr/> DATE 8 January 1982
TO: (Officer designation, room number, and building)	DATE RECEIVED FORWARDED	OFFICER'S INITIALS	COMMENTS: (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. Executive Director 7D 55 Hqs	4-2 Jan 82	<i>[Signature]</i>	FITZ WHY DON'T YOU AS CHAIRMAN IRC prepare guidance to PRG on what it should consider, avoid & what needs tightening. no need to involve DDCI <i>[Signature]</i>
2.			
3. Deputy Director of Central Intelligence 7D 6011 Hqs			
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5. Deputy Director for Administration 7D 24 Hqs			
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DDA 82-0038

8 January 1982

MEMORANDUM FOR: Deputy Director of Central Intelligence

VIA: Executive Director

FROM: Harry E. Fitzwater
Deputy Director for AdministrationSUBJECT: Comments on the Observations of the Office of the
Inspector General Regarding the Publication Review
Process []

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REFERENCE: OIG Memorandum for the Record, dated 29 Dec 81,
subj: Liechty Appeal Case

1. The [] case, because it involves a disenchanted and uncooperative former employee, brings sharply into focus the problems that we have in clearing manuscripts for publication. [] memorandum points out several of these problems: after many hours of review, a manuscript may still contain information that should be deleted; the same information may be deleted in one instance and left to stand in another; the members of the Publications Review Board (PRB) have tended to be lenient to avoid antagonizing a disenchanted former employee; information is not clearly sourced to open material by the author, which leaves doubts in the minds of the reviewers as to its origin; and the influence of the Office of General Counsel (OGC) has been dominant in the PRB proceedings, thus placing legal factors above security requirements in some cases. While I am not responsible for the conduct of manuscript reviews, I believe we have failed to develop and implement clear guidelines for the reviewers to follow; we are not consistent in our deletions; and we have difficulty in balancing the protection of national security information against the public's right to know, as required by Executive Order 12065. []

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2. Experience has shown that manuscript review, under the variety of pressures that are at work, is a difficult and complex task. It becomes more difficult as the continual release of bits and pieces of information establishes precedence to release even more information in an ever-expanding cycle. I do not see any quick and easy cure. I would like, however, to make several suggestions that I believe might improve the situation.

a. We should have closer oversight of the PRB review process by a body empowered to make policy decisions, thus giving reviewers prompt and clear guidance. The Information Review Committee (already empowered

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by the DCI as the senior Agency body for classification matters) or a similar group at the senior working level, might play this role. At the present time, [] refers policy questions to you or the DCI for a decision.

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b. Although OGC should play an advisory role in the reviewing process, when senior professional intelligence officers believe strongly that the publication of certain information would be damaging to the national interest, that information should be withheld and OGC should defend that position regardless of the perceived legal outcome, unless there is serious potential for the establishment of a long-term damaging precedent.

c. As [] suggests, consideration should be given to the institution of a more responsive process where review experience and understanding of policies would be concentrated in one office to make our reviews more consistent and defensible. Contrary to popular belief, each directorate's equities can be respected and protected through the coordination process.

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d. Finally, we should consider a policy of denying in toto any biographical accounts written by former intelligence officers concerning their own non-fictional intelligence experiences or the experience of others, which in the aggregate includes sensitive information of a damaging nature. This would not only provide a clear guideline for reviewers to follow but would also establish a position which would be defensible in court. []

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3. As Chairman of the Information Review Committee, I believe it appropriate that I call a meeting to consider and discuss what steps might be taken to improve and tighten the whole process of manuscript review. The PRB process, although serving a purpose, is inconsistent at best. Perhaps if we made one component responsible for all manuscript reviews, and coordination with the appropriate substantive offices, we could more effectively assure the protection of national security information. Should the requirement for systematic review of 20-year old material be dropped from the revised E.O. 12065, we could possibly use some of the resources freed to conduct manuscript review in the single component optional role. In any event, this subject needs to be looked at from a senior management perspective and, unless you have some objection, I will proceed with the above action. []

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[]
Harry E. Fitzwater

CONCUR:

Executive Director

Date

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APPROVED:

Deputy Director of Central Intelligence

Date

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